

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

KIRK RAAB,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. 08 C 50087
	)	
COUNTY OF JO DAVIESS, JO DAVIESS )	)	
COUNTY SHERIFF'S OFFICE, SHERIFF )	)	
LEO HEFEL in his official capacity as )	)	
Sheriff of Jo Daviess County and his )	)	
Individual capacity, CHIEF DEPUTY )	)	
COLIN FULRATH, in his official capacity )	)	
As Chief Deputy and his individual capacity,) )	)	
DONALD SCHWEIHS, in his official )	)	
Capacity as County of Jo Daviess Public )	)	
Defender and in his individual capacity, )	)	
	)	
Defendants.	)	

**PLAINTIFF'S ANSWERS TO DEFENDANTS AFFIRMATIVE DEFENSES**

Plaintiff, Kirk Raab, through his attorneys, Dolan Law Offices, P.C., and in response to Defendants' Affirmative Defenses, states as follows:

First Affirmative Defense

Plaintiff's claims against the individual defendants are barred by the doctrine of qualified immunity.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's First Affirmative Defense.

Second Affirmative Defense

Plaintiff's claims are barred by the applicable statute of limitations

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Second Affirmative Defense.

Third Affirmative Defense

Plaintiff would have been treated the same even in the absence of the protected conduct.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Third Affirmative Defense.

Fourth Affirmative Defense

Defendant, County of Jo Daviess, is immune from punitive damages for the allegations of civil rights violations in Plaintiff's complaint, and the request for such damages must be stricken from Plaintiffs' complaint.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Fourth Affirmative Defense.

Fifth Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Fifth Affirmative Defense.

Sixth Affirmative Defense

Defendants acted in good faith, with justification and without malice toward Plaintiff.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Sixth Affirmative Defense.

Seventh Affirmative Defense

Plaintiff's speech did not concern a matter of public concern and is not protected.

**RESPONSE:**

Plaintiff denies the allegations in Defendant's Seventh Affirmative Defense.

Respectfully Submitted:

/s/Martin A. Dolan

An Attorney for Plaintiff Kirk Raab

**DOLAN LAW OFFICES, P.C.**

10 South LaSalle Street

Suite 3712

Chicago, Illinois 60603

(312) 676-7600

Firm I.D. 43525